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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 CALVIN ROUSE (AKA) ABDUR RASHID  
9 KHALIF,

10 Plaintiff,

11 v.

12 THE WASHINGTON STATE  
13 DEPARTMENT OF CORRECTIONS *et al.*,

14 Defendants  
15

Case No. C08-5620FDB/JKA

ORDER DENYING PLAINTIFF'S  
MOTION FOR AN EXTENSION OF  
TIME AND PLAINTIFF'S MOTION  
TO AMEND THE COMPLAINT

16 This action, brought pursuant to 42 U.S.C. 1983, has been referred to the undersigned  
17 Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Before the court are two motions filed  
18 by plaintiff in response to defendant's Motion to Dismiss (Dkt. # 23, and 24). Plaintiff did not file a  
19 response to the motion itself.

20 Plaintiff's first motion asks for an extension of time to respond to the Motion to Dismiss.  
21 The Motion to Dismiss is based on legal arguments, not factual claims. Plaintiff asks for the  
22 extension of time and argues that because he is pro se and incarcerated, his access to legal materials  
23 is limited. Plaintiff argues his being placed in administrative segregation has exacerbated his  
24 problems obtaining legal materials (Dkt. # 23). The court finds plaintiff's arguments unpersuasive.  
25 Plaintiff admits to receiving the motion to dismiss on February 6, 2009 (Dkt # 23, page 1). Further,  
26 the motion was noted for March 6, 2009. Thus, plaintiff has had four weeks to file a response.  
27 Instead of responding to the motion plaintiff has filed two motions. The motion for an extension of  
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1 time is **DENIED**.

2 Plaintiff also asks for leave to file an amended complaint raising a retaliation claim against a  
3 new defendant (Dkt. # 24). Plaintiff does not supply either the court or defendants with a copy of  
4 the proposed amended complaint. The defendants object to the motion on that ground (Dkt # 27).

5 The original complaint asks for injunctive relief and only nominal damages (Dkt # 4).

6 The original complaint challenges the prison policy regarding recognition of a legally changed name.  
7 Further, plaintiff challenges mail practices for incoming and outgoing mail. Specifically, plaintiff asks  
8 for a prohibition on the opening of legal mail outside of his presence, but he does not allege any legal  
9 mail was opened outside his presence in the complaint (Dkt. # 4). Plaintiff also asks for a prohibition  
10 on rejection of incoming or outgoing mail addressed in his legal name, Abdur Rashid Khalif. Finally,  
11 plaintiff asks the court to order the Department of Corrections to issue a prison identification badge  
12 to plaintiff under the name Abdur Rashid Khalif. As plaintiff has failed to provide the court with a  
13 copy of the proposed complaint the motion is **DENIED**.

14 The Clerk is directed to send a copy of this Order to plaintiff and counsel for the defendants  
15 and to remove Dkt. # 23 and 24 from the calendar.

16 DATED this 10<sup>th</sup> day of March, 2009.

17 /s/ J. Kelley Arnold  
18 J. Kelley Arnold  
19 United States Magistrate Judge  
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